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EXAMINER
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ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/290,941

Applicant(s)

DALGIC ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 11-14 and 16-22 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 9, 10 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/13/1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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*Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "significant period of time" is vague.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being

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examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-5, 8, 11, 12, 14, and 16, 17, 20, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kalmanek (US 6,324,279).

Regarding claims 1 and 20, Kalmanek teaches a method and apparatus for a H.323 system (fig. 1, col. 1 lines 29 - 41), including a first device (fig. 1 box 120) coupled in communication with a second device (fig. 1 box 110). The method comprises: responsive to receiving a first admission request (fig. 6 gateallocack), responsive to transmitting a second admission request (fig. 6 gatesetup), and storing and updating (col. 12 lines 9 - 37).

Regarding claim 2, transmitting one of a registration request and a status request to the second device (fig. 6 setup), responsive to transmitting, receiving a response (fig. 6 gatealloc), and updating (col. 12 lines 9 - 37).

Regarding claim 3, transmitting a response from the first device to the H.323 terminal (fig. 6 reserveack).

Regarding claim 4, if failure in the second device occurs, the call continues (col. 7 lines 36 - 51).

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Regarding claim 5, a third device coupled in communication with the first device (secondary gate controller, col. 7 lines 36 - 51). The further limitations are listed in claim 14.

Regarding claim 8, billing information is maintained after failure (active calls are unaffected, col. 7 lines 36 - 51).

Regarding claim 11, bandwidth usage, and call start time are inherent in the call state.

Regarding claim 12, Kalmanek teaches a method and apparatus for an edge router (fig. 1 box 120). The edge router comprises a first communication channel, the first communication channel capable of coupling the edge router in communication with at least one H.323 device (fig. 1 connection from box 120 to 190), a second communication channel, the second channel couples the edge router with a packet-based network, the edge router having an IP address (fig. 1 connection from box 100 to 100, col. 4 lines 50 - 57), and a memory and processor (storing and using state information, col. 12 lines 9 - 37).

Regarding claim 14, Kalmanek teaches a method and apparatus for a gate controller (fig. 1 box 110). The gate controller comprises a first communication channel (fig. 1 connection from box 110 to 100, col. 7 line 66 to col. 8 line 4), a memory (fig. 1 box 140, col. 6 lines 41 - 48), and a processor (authentication, authorization, number translation, and call

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routing, col. 6 lines 41 - 48). The examiner takes official notice that the processor is performing the functions of authentication, authorization, number translation, and call routing.

Regarding claim 16, see limitations found in claims 12 and 14.

Regarding claim 17, in addition to the limitations listed in claim 16, the H.323 gatekeeper not storing call state information for a significant period of time (col. 6 lines 13 - 26).

Regarding claim 21, the apparatus supports network address translation (col. 45 line 40 - col. 46 line 52 and col. 48 lines 28 - 35).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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6. Claims 13 and 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmanek as applied to claim 20 above, and further in view of Newton.

As previously mentioned, Kalmanek teaches NAT (col. 45 line 40 - col. 46 line 52 and col. 48 lines 28 - 35). Although Kalmanek teaches network security with respect to the edge routers (fig. 1 box 120, 121, col. 28 lines 7 - 10) the inventor fails to teach proxy servers.

Newton teaches a proxy server may be used to allocate a few IP addresses to many users and proxy servers provide security by replacing calls to insecure systems (Newton: pg. 606 - 607).

Therefore it would have been obvious to one of ordinary skill in the art, having both Kalmanek and Newton before him/her and with the teachings [a] as shown by Kalmanek, method for delivering voice over the internet that conforms to the H.323 standard, and [b] as shown by Newton, a proxy server may be used to allocate a few IP addresses to many users and proxy servers provide security by replacing calls to insecure systems, to be motivated to modify the system of Kalmanek by attaching proxy servers to the edge routers. This is cost effective since multiple users can be supported on a single IP address and in addition proxy servers improve security.

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***Allowable Subject Matter***

7. Claims 6, 7, 9, 10, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 6, nothing in the prior art teaches or fairly suggests generating an accounting message to the back server, in combination with the other limitations listed in the claim.

Regarding claim 7, nothing in the prior art teaches or fairly suggests assigning the third device the IP address of the second device after the failure of the second device, in combination with the other limitations listed in the claim.

Regarding claim 9, although Kalmanek teaches NAT (col. 45 line 40 - col. 46 line 52 and col. 48 lines 28 - 35) the specific implementation as discussed by the applicant is not taught nor suggested.

Regarding claim 15, nothing in the prior art teaches or fairly suggests transmitting a response to the corresponding request after communicating with the back end server, in combination with the other limitations listed in the claim.



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**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

*RA*

Ronald Abelson  
Examiner  
Art Unit 2663

*RA*

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September 20, 2002

*Chau T. Nguyen*

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